

THE HONORABLE BENJAMIN H. SETTLE

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

TODD BRINKMEYER

Petitioner,

v.

WASHINGTON STATE LIQUOR AND
CANNABIS BOARD,

Respondent.

Case No. 3:20-cv-05661-BHS

**DECLARATION OF ANDY MURPHY IN
SUPPORT OF PETITIONER'S RESPONSE
TO RESPONDENT'S MOTION FOR
SUMMARY JUDGMENT**

I, Andy Murphy, hereby declare and state as follows:

1. I am one of the attorneys representing the petitioner in this action. I am over the age of eighteen, have personal knowledge of the matters contained in this Declaration, and am competent to testify thereto.

2. Attached hereto as **Exhibit A** is a true and correct copy of the Form 10-Q submitted by Acreage Holdings, Inc. to the United States Securities and Exchange Commission on Nov. 12, 2021, which my office accessed at <https://sec.report/CIK/0001762359> on February 18, 2022.

1. Attached hereto as **Exhibit B** is a true and correct copy of the Form F-10 submitted by Curaleaf Holdings, Inc. to the United States Securities and Exchange Commission on Sept. 25, 2020, which my office at <https://sec.report/CIK/0001756770> on February 18, 2022.

2. Attached hereto as **Exhibit C** is a true and correct copy of the Form 10-Q submitted by Trulieve Cannabis Corp. to the United States Securities and Exchange Commission on Sept. 30, 2021, which my office accessed at <https://sec.report/CIK/0001754195> on February 18, 2022.

3. Attached hereto as **Exhibit D** is a true and correct copy of a July 1, 2016 document published by Respondent Washington State Liquor and Cannabis Board (the “LCB”) titled “What is a Medical Marijuana Cooperative,” which I accessed at <https://lcb.wa.gov/publications/Marijuana/Cooperatives%20--%20FAQ%202%200.pdf> on February 22, 2022.

4. Attached hereto as **Exhibit E** is a true and correct copy of Second Substitute Senate Bill 5052 as passed by the Washington legislature and signed by Governor Jay Inslee in 2015, which I accessed at <https://lawfilesexternal.wa.gov/biennium/2015-16/Pdf/Bills/Session%20Laws/Senate/5052-S2.SL.pdf?q=20220222112329> on February 22, 2022.

5. Attached hereto as **Exhibit F** is a true and correct copy of a June 15, 2016 LCB press release titled “Preparations in place for July 1 alignment of medical and recreational marijuana systems,” which I accessed at <https://lcb.wa.gov/pressreleases/alignment-med-and-rec-mj-systems> on February 22, 2022.

6. Attached hereto as **Exhibit G** is a true and correct copy of a December 16, 2015 LCB press release titled “Board to increase number of retail marijuana stores following analysis of marketplace,” which I accessed at <https://lcb.wa.gov/pressreleases/lcb-to-increase-number-of-retail-mj-stores> on February 22, 2022.

7. Attached hereto as **Exhibit H** is a true and correct copy of a March 7, 2016 press release titled “Board to close marijuana retail license application window March 31, 2016,” which I accessed at

1 https://lcb.wa.gov/pressreleases/board_to_close_mj_retail_license_app_window_march31_2016
2 on February 22, 2022.

3 8. Attached hereto as **Exhibit I** is a true and correct copy of Engrossed Substitute
4 Senate Bill 5131 as passed by the Washington legislature and signed by Governor Jay Inslee in
5 2017 (“ESSB 5131”), which I accessed at [https://lawfilesext.leg.wa.gov/biennium/2017-](https://lawfilesext.leg.wa.gov/biennium/2017-18/Pdf/Bills/Session%20Laws/Senate/5131-S.SL.pdf?q=20220222113814)
6 [18/Pdf/Bills/Session%20Laws/Senate/5131-S.SL.pdf?q=20220222113814](https://lawfilesext.leg.wa.gov/biennium/2017-18/Pdf/Bills/Session%20Laws/Senate/5131-S.SL.pdf?q=20220222113814) on February 22, 2022.

7 9. Attached hereto as **Exhibit J** is a true and correct copy of the Final Bill Report for
8 ESSB 5131, which I accessed at [https://lawfilesext.leg.wa.gov/biennium/2017-](https://lawfilesext.leg.wa.gov/biennium/2017-18/Pdf/Bill%20Reports/Senate/5131-S.E%20SBR%20FBR%202017.pdf?q=20220215161249)
9 [18/Pdf/Bill%20Reports/Senate/5131-S.E%20SBR%20FBR%202017.pdf?q=20220215161249](https://lawfilesext.leg.wa.gov/biennium/2017-18/Pdf/Bill%20Reports/Senate/5131-S.E%20SBR%20FBR%202017.pdf?q=20220215161249) on
10 February 22, 2022.

11 *Pursuant to 18 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is*
12 *true and correct to the best of my knowledge.*

13 EXECUTED in Burien, WA on this 22nd day of February, 2022.

14 s/ Andy Murphy

15 Andy Murphy
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DECLARATION OF SERVICE

I, Brie Geffre, hereby declare under penalty of perjury under the laws of the United States, that on the 22nd day of February, 2022, a copy of the foregoing document was served upon the attorneys of record in the above cause as follows:

PENNY ALLEN, WSBA No. 18821
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Attorneys for Respondent

SIGNED at Seattle, Washington, this 22nd day of February, 2022

s/ Brie Geffre

Brie Geffre, Legal Assistant

4858-1532-4687.3